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5 **UNITED STATES DISTRICT COURT**

6 **DISTRICT OF NEVADA**

7 UNITED STATES OF AMERICA

8 Plaintiff,

9 vs.

10 CONNIE FARRIS

11 Defendant.

12 CASE NO.: 2:07-cr-00051-RLH-PAL-1

13 **DEFENDANT CONNIE FARRIS'
14 EMERGENCY MOTION TO EXTEND
15 BRIEFING AND RESENTENCING
16 (FIRST REQUEST)**

17 **COMES NOW**, Defendant CONNIE FARRIS (hereinafter "FARRIS") by and through
18 CJA appointed counsel of record William H. Gamage, Esq. of Gamage & Gamage and hereby
19 files DEFENDANT CONNIE FARRIS' EMERGENCY MOTION TO EXTEND BRIEFING
20 AND RESENTENCING (FIRST REQUEST) in the above titled matter. The following is offered
21 in support of this request for a 30 day extension of time to file Defendant Farris' response to the
22 government brief and to appropriately reset the final resentencing hearing on a date and time
23 convenient to the court after Defendant's extended response date:

24 1. On or about March 23, 2015, the Court ordered the Government to file a more
25 specific showing of support for the restitution request being made pursuant to the resentencing in
26 this matter. The Court ordered the Government to file their brief on or before March 30, 2015,
ordered the defendant to file their response on or before April 6, 2015, with a hearing set for
April 16, 2015 to complete the sentencing.

27 2. On or about March 27, 2015, counsel began the process of setting a conference
28 call with FARRIS by leaving a message for Counselor Barahona at Dublin FCI.

1 3. On or about March 30, 2015, the Government timely filed their brief in support of
2 their restitution request.

3 4. After receiving no call back, on or about March 31, 2015, staff called and spoke
4 to Counselor Barahona who stated that she was in a meeting and would call back. Counselor
5 Barahona did not call back that day.

6 5. On or about April 1, 2015, staff called Counselor Barahona and left a message for
7 her on her voicemail.

8 6. On or about April 1, 2015, Counsel emailed a copy of the Government's brief to
9 FARRIS' husband pursuant to her.

10 7. On or about April 2, 2015, Counselor Barahona called back and stated that she
11 could not complete the conference call until we emailed her correspondence on letterhead
12 requesting the conference call. Counselor Barahona would only do the call on April 5, 2015
13 (Easter Sunday) due to her scheduled days off. Counsel set the call for 10 am on Easter Sunday.

14 8. On or about April 5, 2015 at 10 am, Counsel called the prison and was told by the
15 duty desk that the schedule showed Counselor Barahona was not on duty that day. After
16 requesting that they confirm she was not on the premises, prison staff attempted to radio her and
17 she did not respond.

18 9. At approximately noon that same day, counsel received a Corrlinks email
19 notification pop-up from FARRIS on his phone indicating that the prison operations center made
20 a mistake and that Counselor Barahona was available for the call. Counsel called Counselor
21 Barahona who stated that Counsel could only talk with FARRIS for 15 to 30 minutes because
22 her shift was ending.

23 10. Counsel spoke to FARRIS and explained the Government's position along with
24 how Counsel had prepared to address those arguments by the Government. FARRIS advised
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1 Counsel to mail her a copy of the Government's brief and insisted that Counsel seek an
2 extension so that she can participate in the response to the Government's restitution request.

3 11. FARRIS has waived her physical appearance at the resentencing hearing;
4 choosing to appear telephonically due to her health. FARRIS is in custody of the Bureau of
5 Prisons at the Dublin FCI Satellite Camp with an expected release date of December 26, 2021.

6 12. Counsel requests this extension of time in order to properly communicate with his
7 client and not for purposes of prejudicing any party or to unduly delay this proceeding.

8 13. Counsel submits that as FARRIS is in custody this request is not unreasonable in
9 order to insure that FARRIS is properly informed of the proceedings regarding her sentencing so
10 that she can have input. Further, as the above justification demonstrates, communicating with
11 clients through Bureau of Prisons personnel can be an extended process.

12 14. Based upon the above and foregoing, Counsel asks that Defendant's date to file a
13 response be extended until May 4, 2015 and that the Court reschedule the resentencing hearing
14 to a date and time convenient to the Court after that extended date.

15 15. The above and foregoing is submitted to the Court in the form of a Declaration as
16 the statements are made under penalty of perjury under the laws of the State of Nevada and the
17 United States of America.

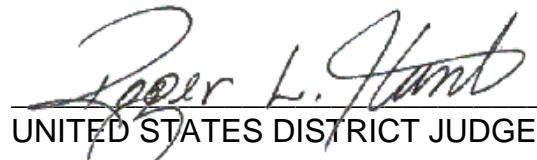
18 DATED THIS 6th day of April, 2015.
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20 **GAMAGE & GAMAGE**
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22 **/s/ William H Gamage, Esq.**
23

24 William H. Gamage, Esq.
25 Nevada Bar No. 9024
26 5580 South Fort Apache Street, Suite 110
27 Las Vegas, Nevada 89148
28 *Attorney for Defendant Connie Farris*

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2 IT IS SO ORDERED THIS 8th day of April, 2015, that the deadline
3 for Defendant Farris to file a responding brief is the 8th, day of May, 2015
4 and that the Resentencing Hearing is now set for the 19th, day of May, 2015
5 at 9 : 00 a m.

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7 
8 UNITED STATES DISTRICT JUDGE

9
10 April 8, 2015

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12 **CERTIFICATE OF SERVICE**

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14 I hereby certify that on the 6th day of April, 2015, the above and foregoing
15 DEFENDANT CONNIE FARRIS' EMERGENCY MOTION TO EXTEND BRIEFING AND
16 RESENTENCING (FIRST REQUEST) was served via the Court's electronic filing system on all
17 counsel registered to this case.

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19 /S/ William H. Gamage

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21 EMPLOYEE OF GAMAGE & GAMAGE

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